Labour Department

NOTIFICATION.

No.L.Dis. 30565/56/DD.

Dated, Trivandrum, 3rd January 1957.

The award of the Industrial Tribunal, Trivandrum under Section 33-A of the Industrial Disputes Act in respect of the dispute between Sri K. Mahadeva Iyer, Babu Motor Service, Thodupuzha and their workmen Sri V. F. Joseph, Driver, Sri I.T. Varghese, Conductor and Sri C.K. Krishna Menon, Checker received by Government on 28-12-1956 is hereby published under Section 17 of the Industrial Disputes Act 1947 (Central Act XIV of 1947).

By order of the Governor,

GEORGE THOMAS,

Industries and Labour Secretary.

Before

SRI K. PURUSHOTHAMAN NAIR, B. A., B. L.,

Industrial Tribunal, Trivandrum.

INDUSTRIAL DISPUTE No. 174 OF 1955.

Between

1. V. F. Joseph, Driver, Babu Motor Service.
2. I. T. Varghese, Conductor, Babu Motor Service.
3. C.K. Krishna Menon, Checker, Babu Motor Service

} *Complainants*

and

K. Mahadeva Iyer, Babu Motor Service, Thodupuzha.

Representations:—

1. Sri C. M. Ramachandra Menon, High Court Advocate, Ernakulam on behalf of the Employer.
2. Sri M. P. Menon, President, the Motor and Engineering Workers' Union, Ernakulam on behalf of the complainants.

AWARD

This is a complaint under Section 33 A of the Industrial Disputes Act, 1947 filed by Sri V. F. Joseph, I. T. Varghese and Sri C.K. Krishna Menon, the driver, conductor and checker respectively of the Babu Motor Service, Thodupuzha against Sri K. Mahadeva Iyer, the proprietor. It is alleged in the complaint that they were permanent employees of the opposite party and that during the pendency of the main dispute I.D. No. 67 of 1955 in which both the parties are concerned, the latter without the permission of this Tribunal, refused employment to all the three workmen from 5-8-1955 onwards. The

action of the opposite party thus denying employment amounts to discharge under Section 33 (b) and hence is a clear violation of the provisions of Section 33 of the Act. The opposite party has entered appearance and filed objection statement. He would contend that the complainants were only temporary employees, that due to continuing losses he sold on 4-8-1955 the Babu Motor Service to one Sri Prabhakaran and since it was sold as a running concern the petitioners have to work out their remedies, if any, against the latter and that he has not violated any of the provisions of the Act.

Of the three complainants, Sri V. F. Joseph and Sri C.K. Krishna Menon later filed an application, for interim relief and at the enquiry of the same, the opposite party agreed to pay Rs. 130 to Sri Joseph and Rs. 104 to Sri Krishna Menon without prejudice to his contentions and subject to the final adjudication of the dispute and the interim relief matter was disposed of on 9-8-1956 as agreed to by the parties.

The case was then posted for evidence and on 19-12-1956 the authorised representative of the workmen Sri M. P. Menon and the opposite party filed in court a joint petition along with an agreement signed by the representative and the employer praying that an award be passed in terms of the agreement. The terms of the agreement are as hereunder:

1. Sri Mahadeva Iyer states that conductor I. T. Varghese has employment after the sale of Babu Motor Service and that the conductor has no more claim for any relief. Sri M.P. Menon, on behalf of the complainants accepts this statement.

2. Sri Mahadeva Iyer offers to pay Rs. 422-8-0 to driver Joseph and Rs. 338-0-0 to checker Krishna Menon as compensation towards retrenchment, inclusive of the amount already paid as interim relief. Driver Joseph will thus be paid a further sum of Rs. 292-8-0 and checker Krishna Menon, Rs. 234-0-0. Sri M. P. Menon agrees to accept this offer.

3. Both Sri Mahadeva Iyer and Sri M. P. Menon will submit a joint petition to the Industrial Tribunal in I. D. 174/55 praying for an agreed award on the above terms.

Dated this the 14th day of November, 1956.

1. M. P. Menon. (Sd.)
2. K. Mahadeva Iyer (Sd.)

Witnesses:—

1. V. F. Joseph, driver, Babu Motor Service. (Sd.)
2. C. K. Krishna Menon, checker, Babu Motor Service (Sd.)

The above terms are fair and proper and I accept the same and pass this award accordingly.

Trivandrum,
27-12-1956.

K. PURUSHOTHAMAN NAIR,
Industrial Tribunal.